

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LG DISPLAY CO., LTD.,

Plaintiff,

v.

CHI MEI OPTOELECTRONICS
CORPORATION, et al.

Defendants.

Civil Action No. 06-726 (JJF)

Civil Action No. 07-357 (JJF)

CONSOLIDATED CASES

**DECLARATION OF RICHARD D. KIRK IN SUPPORT OF
PLAINTIFF'S ANSWERING BRIEF IN OPPOSITION TO
CHI MEI OPTOELECTRONICS CORPORATION'S
MOTION TO STRIKE PLAINTIFF'S AMENDED COMPLAINT**

Richard D. Kirk declares under penalty of perjury as follows:

1. I am a director in Bayard, P.A. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify to them. I make this declaration in support of Plaintiff's Answering Brief in Opposition to Chi Mei Optoelectronics Corporation's Motion to Strike Plaintiff's Amended Complaint.
2. Attached as Exhibit A is a true and correct copy of the e-mail from Counsel for LG.Philips LCD Co., Ltd. to Counsel for the Defendants, including Counsel for Chi Mei Optoelectronics Philip A. Rovner and Robert C. Kahrl dated May 22, 2007.
3. Attached as Exhibit B is a true and correct copy of the letter from Counsel for Chi Mei Optoelectronics Counsel Robert C. Kahrl to Counsel for LG.Philips LCD Co., Ltd. Gaspare J. Bono, Esq. dated June 5, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of March, 2008.

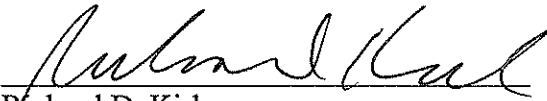

Richard D. Kirk

EXHIBIT A

Dick Kirk

From: Dick Kirk
Sent: Tuesday, May 22, 2007 3:50 PM
To: 'Arthur P. Licygiewicz'; 'David E. Moore'; 'Edmond D. Johnson'; 'Hua Chen'; 'J. Walter Sinclair'; 'Jay C. Chiu'; 'Jennifer M. Becnel-Guzzo'; 'John N. Zarian'; 'John W. Shaw'; 'Jonathan Hangartner'; 'Karen L. Pascale'; 'Kenneth R. Adamo'; 'Matthew D. Thayne'; 'Peter J. Wled'; 'Philip A. Rovner'; 'Robert C. Kahrl'; 'Samia E. McCall'; 'Thomas H. Kovach'; 'Vincent K. Yip'; 'William E. Manning'
Cc: 'Bono, Gaspare'
Subject: LG.Philips v. Chi Mei Optoelectronics Corporation, C.A. No. 06-726-JJF
Attachments: first amended complaint_CMO.pdf; Ex A_USP 5019002.pdf; Ex B_USP 5825449.pdf; Ex C_USP 4624737.pdf; Ex D_USP 6008786.pdf; Ex E_USP 6013923.pdf; Ex F_USP 5619352.pdf; Ex G_USP 6734926.pdf; COS_052207.pdf; PRAECIPE - CHI MEI OPTOELECTRONICS USA.pdf; PRAECIPE - CHI MEI OPTOELECTRONICS CORPORATION.pdf

Dear counsel:

Attached is LPL's First Amended Complaint for Patent Infringement Against Defendant Chi Mei Optoelectronics Corporation and Chi Mei Optoelectronics USA, Inc. which was filed today (D.I. 54). This pleading was not directed at or intended to affect any other defendant. I am also attaching the praecipes we filed (D. I. 55 and D.I. 56) for summonses directed to those two defendants. Hard copies will be sent to you.

Phil, I have assumed that you are not authorized to accept service of this pleading on behalf of the Chi Mei entities. This email and the hard copies, then, are courtesy copies for you. We will serve Chi Mei Optoelectronics Corporation through the Secretary of State and Chi Mei Optoelectronics USA, Inc. through its registered agent.

Regards,

Dick Kirk

Richard D. Kirk
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Direct: (302) 429-4208
Fax: (302) 658-6395
rkirk@bayardfirm.com

7/25/2007

EXHIBIT B

JONES DAY

NORTH POINT • 901 LAKESIDE AVENUE • CLEVELAND, OHIO 44114-1190
TELEPHONE: 216-586-3939 • FACSIMILE: 216-579-0212

Direct Number: (216) 586-7177
rckahr1@jonesday.com

JP027128/1522428
987893-600001

June 5, 2007

VIA ELECTRONIC MAIL

Gaspare J. Bono, Esq.
McKenna Long & Aldridge
1900 K Street, NW
Washington, D.C. 20006

Re: LG. Philips LCD Co., Ltd. v. Chi Mei Optoelectronics Corp., et al.,
Civil Action No. 06-726 (JJF) (D. Del.)

Dear Mr. Bono:

This letter responds further to your letter of May 24. Please see my earlier response dated May 29.

CMO intends to present its response to LPL's opposition in its reply brief, not in a letter exchange with you. It is worth pointing out at this point that LPL's opposition brief repeatedly states that CMO has sold products in Delaware, but when we examined the supporting papers, we did not find any evidence of any sales by CMO. Instead, we found in your papers some evidence of sales by others in Delaware. This evidence does not meet the test of personal jurisdiction set forth by the Federal Circuit in the CEA case. Indeed, LPL's brief concludes by asking for discovery on the jurisdictional issue, so LPL is aware that it has not adequately addressed the personal jurisdiction test of CEA.

LPL did not have enough confidence in its position on personal jurisdiction to stand on its pleadings, but instead filed on the same day as its opposition to CMO's motion a "first amended complaint" adding as an additional defendant Chi Mei Optoelectronics USA, Inc. ["CMO USA"]. Apparently the decision to add CMO USA was made in haste, because LPL either ignored or forgot that it had already filed a "first amended complaint" on April 11, and therefore could not file an additional amended complaint without permission of the Court, pursuant to Rule 15(a), Fed. R. Civ. P. Permission of the Court was neither sought nor received. Instead, the second amended complaint was mislabeled as the "First Amended Complaint," suggesting to the clerk's office that the complaint could be filed without an accompanying order granting leave to file it.

JONES DAY

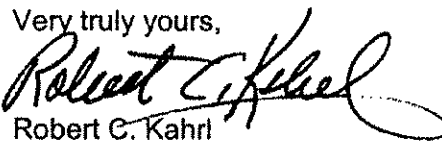
Gaspare J. Bono, Esq.
June 5, 2007
Page 2

You knew before you filed LPL's first amended complaint on April 11 about the existence of CMO USA because we had already described CMO USA in CMO's motion to dismiss. LPL's first amended complaint added new claims against another defendant, AU Optronics, but did not seek to add a new defendant to this case. Since you passed up the opportunity to add CMO USA in LPL's only opportunity to amend the complaint as a matter of course, we surmise that your hasty filing of a second "First Amended Complaint" without complying with Rule 15(a) was done after assessing LPL's inability to hold jurisdiction over CMO on the papers you were submitting the same day. Indeed, we notice that the second "First Amended Complaint" omitted claims that were added in the April 11 "First Amended Complaint."

Now it will be necessary for LPL to seek permission of the Court to file its second amended complaint. Hopefully it will be properly styled as a "Second Amended Complaint." If it is properly styled and does not seek treatment nunc pro tunc, we would not oppose LPL's motion for leave to file and serve it, but we would need to review the motion prior to your filing it. We expect that you will then attempt to make proper service, although CMO will not concede personal jurisdiction, and will move to dismiss again if service does not comply with the statutes and rules governing service.

You might also choose to take this opportunity to fix the inconsistent paragraph numbering that exists between LPL's First Amended Complaint filed April 11 and its second "First Amended Complaint" dated May 22. These inconsistencies are the subject of the Tatung defendants' motion for a more definite statement filed earlier today.

Very truly yours,



Robert C. Kahrl

cc: Richard D. Kirk, Esq. (via e-mail)
Philip A. Rovner, Esq. (via e-mail)

CERTIFICATE OF SERVICE

The undersigned counsel certifies that, on March 17, 2008, he served the foregoing documents by email and by hand upon the following counsel:

Philip A. Rovner
Dave E. Moore
POTTER ANDERSON & CORROON LLP
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Wilmington, DE 19899-0951

Karen L. Pascale
John W. Shaw
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TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391

The undersigned counsel further certifies that, on March 17, 2008, he served the foregoing documents by email and by U.S. Mail upon the following counsel:

Kenneth R. Adamo
Robert C. Kahl
Arthur P. Licygiewicz
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/s/ Richard D. Kirk, (rk0922)
Richard D. Kirk